

## **REMARKS**

Claims 1-10 and 12-49 are rejected. Claim 11 is objected to. Claims 1-6 and 33-35 have been amended. Claim 9-17 has been canceled. New Claims 50-58 has been added. Claims 1-8 and 18-58 are presently pending in the application. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

The basis for the amendment of claim 1 is claim 11 as originally filed. The basis for the amendment of claims 2-6 is claim 1 as originally filed. The basis for the amendment of claims 33 and 34 is claim 31 as originally filed. The basis for the amendment of claim 35 is the correction of an obvious typographical error. The basis for the addition of new claim 50 is claim 1 as originally filed and pg. 14, line 13 of the specification as originally filed. The basis for new claims 51-58 is claims 9, 10 and 12-17 as originally filed.

### **Objection to Claim 11**

The Examiner has objected to Claim 11 as depending on a rejected claim, but has indicated that claim 11 would be allowable if written in proper independent form.

Claim 11 has been canceled, and claim 1 has been rewritten to include original claim 11. Therefore currently amended claim 1 should be allowable.

### **Rejection of Claims 2-6 and 33-35 under 35 USC § 112:**

The Examiner has rejected Claims 2-6 and 33-35 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 2-6 have been amended to clarify the antecedent basis for the term "said polymer". Claim 35 has been amended by the addition of a period. The dependency of claims 33 and 34 has been amended to produce the proper antecedent basis for the term "said polymer sheet".

### **Rejection of Claims 1, 2, 7, 16 and 18-29 Under 35 U.S.C. §102:**

The Examiner has rejected Claims 1, 2, 7, 16 and 18-29 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Majumdar et al. '660, as Majumdar et al. '660 (see particularly column 5, lines 40-50; column 8, lines 24-35; column 9, lines 47-67) discloses imaging elements with primer layers coated on polymer sheets including voided

polymers including polymer foam. The primer layers are coated from solution polymers. If Majumdar et al. do not anticipate the instant claims, then it would at least be obvious to one skilled in the art to use polymer foam sheets as the called for polymer sheets which are coated with primer layers in Majumdar et al. Polymer foam sheets would inherently have rough surface values as disclosed in applicants' specification.

Majumdar '660 relates to an imaging member comprising a polymer sheet, a primer layer comprising polyethyleneimine and gelatin contacting said polymer sheet, and an image receiving layer contacting said primer layer. The invention relates to primer layers and methods of forming them on imaging members, particularly those comprising gelatin.

The present invention relates to an imaging element comprising at least one imaging layer and a base. The base comprises a foam core layer, which comprises a polymer that has been expanded through the use of a blowing agent, and at least one polymeric surface smoothing layer, which comprises a solution polymer having a coverage range of between 10-30 g/m<sup>2</sup> dry coverage. In a preferred form, it relates to foam core imaging supports for photographic, ink jet, thermal, and electrophotographic media.

A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference. The reference to Majumdar fails to specifically mention the coverage range of new claim 50. Therefore, the reference to Majumdar '660 fails to anticipate the newly added claims 50-58.

To establish a prima facie case of obviousness requires, first, there must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations.

The reference to Majumdar '660 fails to disclose roughness or problems with roughness and fails to mention smoothing rough substrates. In addition, Majumdar '660 fails to mention any special performance relating to smoothing of rough substrates accomplished by the use of solution polymers and fails to mention the presently claimed coverage range.

The reference to Majumdar '660 also fails to provide a likelihood of success for the use of solution polymers as smoothing layers and fails to provide a likelihood of success in the coverage range specifically claimed.

The reference to Majumdar '660 also fails to teach or suggest all of the limitations of the claims, as amended. There is no mention in Majumdar '660 of the use of solution polymers, especially in the presently claimed coverage range of between 10-30 g/m<sup>2</sup> dry coverage.

In addition, the present invention provides surprising results. Table 1 on pg. 30 of the specification indicates that prior art coatings, when applied to foam substrates (Sample 2), produce roughness values 10 times as rough as a paper control (Sample 1) having the desired substrate roughness for an imaging element, as compared to an inventive example (Sample 4) of the same thickness which has a surface smoother than the surface of the paper control.

In summary, the reference to Majumdar '660 fails to provide a motivation or suggestion to modify it to produce an imaging element comprising at least one imaging layer and a foam core base, which comprises a polymer that has been expanded through the use of a blowing agent, and at least one polymeric surface smoothing layer, which comprises a solution polymer having a coverage range of between 10-30 g/m<sup>2</sup> dry coverage, fails to provide any likelihood of success in utilizing a solution polymer having a coverage range of between 10-30 g/m<sup>2</sup> dry coverage as a smoothing layer for a rough-surfaced foam base for an imaging element, and fails to include all the limitations of the presently amended claims. Therefore, the Applicants request the Examiner to reconsider and withdraw the rejection.

**Rejection of Claims 1-10 and 12-49 Under 35 U.S.C. §102:**

The Examiner has rejected Claims 1-10 and 12-49 under 35 U.S.C. 102(a) and (e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Majumdar et al. '033, indicating that Majumdar et al. '033 disclose imaging elements with antistatic layer solutions comprising polymer binders coated between upper flange layers and polymer foam cores or on the upper flange layers and the coated polymer layers would inherently smooth the polymer foam substrates. The Examiner further indicates that, if Majumdar et al. do not anticipate the instant claims, then it would at least be obvious to one skilled in the

art to coat the antistatic layer polymer solutions of Majumdar et al. on the disclosed locations on the polymer cores or on the upper flange layers.

Majumdar '033 discloses an imaging member and a method for use therewith comprising an imaging layer and a base sheet having a closed cell foam core and adhered upper and lower flange sheets. The imaging member has a stiffness of between 50 and 250 millinewtons and is conductive. In a preferred form, it relates to supports for photographic, ink jet, thermal, and electrophotographic media.

The present invention relates to an imaging element comprising at least one imaging layer and a base. The base comprises a foam core layer, which comprises a polymer that has been expanded through the use of a blowing agent, and at least one polymeric surface smoothing layer, which comprises a solution polymer having a coverage range of between 10-30 g/m<sup>2</sup> dry coverage. In a preferred form, it relates to foam core imaging supports for photographic, ink jet, thermal, and electrophotographic media.

A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. The reference to Majumdar '033 fails to specifically mention the coverage range of new claim 50 or the smoothing layer of solution polymer. Therefore, the reference to Majumdar '660 fails to anticipate the newly added claims 50-58.

To establish a prima facie case of obviousness requires, first, there must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combines) must teach or suggest all the claim limitations.

The reference to Majumdar '033 fails to mention any special performance relating to smoothing of rough substrates accomplished by the use of solution polymers and fails to mention the presently claimed coverage range.

The reference to Majumdar '033 also fails to provide a likelihood of success for the use of solution polymers as smoothing layers and fails to provide a likelihood of success in the coverage range specifically claimed.

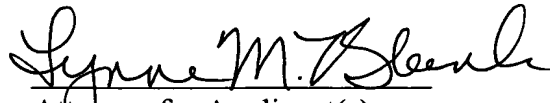
The reference to Majumdar '033 also fails to teach or suggest all of the limitations of the claims, as amended. There is no mention in Majumdar '033 of the use of solution polymers, especially in the presently claimed coverage range of between 10-30 g/m<sup>2</sup> dry coverage.

In addition, the present invention provides surprising results. The coverage values of Table 1A, col. 20, indicate a coverage for the antistatic layer of less than 1 g/m<sup>2</sup>, which is outside the presently claimed range. However, Table 2, col. 22, discloses coverage values within the presently claimed range for thermally processable, polymeric, i.e., non-solution polymeric, layers. Table 1 on pg. 30 of the specification indicates that prior art thermally processable coatings, when applied to foam substrates (Sample 2), produce roughness values 10 times as rough as a paper control (Sample 1) having the desired substrate roughness for an imaging element, as compared to an inventive example (Sample 4) of the same thickness which has a surface smoother than the surface of the paper control.

In summary, the reference to Majumdar '033 fails to provide a motivation or suggestion to modify it to produce an imaging element comprising at least one imaging layer and a foam core base, which comprises a polymer that has been expanded through the use of a blowing agent, and at least one polymeric surface smoothing layer, which comprises a solution polymer having a coverage range of between 10-30 g/m<sup>2</sup> dry coverage, fails to provide any likelihood of success in utilizing a solution polymer having a coverage range of between 10-30 g/m<sup>2</sup> dry coverage as a smoothing layer for a rough-surfaced foam base for an imaging element, and fails to include all the limitations of the presently amended claims. Therefore, the Applicants request the Examiner to reconsider and withdraw the rejection.

It is believed that the foregoing is a complete response to the Office Action and that the claims are in condition for allowance. Favorable reconsideration and early passage to issue is therefore earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lynne M. Blank". The signature is fluid and cursive, with a horizontal line drawn underneath it.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.